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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

LOCAL 338, RWDSU,

Civil Action No. 07-cv-2824 (LBS)

Plaintiff,

vs.

FOODTOWN/PSK SUPERMARKETS, INC.,

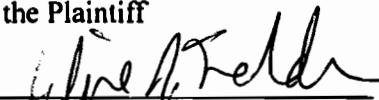
Defendant.

**STIPULATION AND ORDER OF
 DISMISSAL WITH PREJUDICE AND
 WITHOUT COSTS**

Pursuant to Fed.R.Civ.P. 41(a)(1), it is hereby stipulated and agreed, by and between the parties to this matter that the instant action, shall be and hereby is dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

For the Plaintiff

By:


 Elise Feldman (ESF/5273)
 FRIEDMAN & WOLF
 Attorneys for Plaintiff
 1500 Broadway, Suite 2300
 New York, New York 10036
 (212) 354-4500

Dated: 12/18, 2007

For the Defendant

By:


 Heather R. Boshak (HRB/9736)
 FOX ROTHSCHILD LLP
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 Attorneys for Defendant
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 Roseland, New Jersey 07068
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Dated: 12/18, 2007

IT IS SO ORDERED:

Hon. Leonard B. Sand, U.S.D.J.